

§39A INCLUSIONARY HOUSING OVERLAY DISTRICT (IHZ)

Revised 12-03-10

39A-1 Purpose

The purpose of the Inclusionary Housing Overlay District is to increase the diversity of housing choices and to provide additional below market rate housing within Westport, located on lots that are split zoned Res. AA, A or B and GBD, RPOD, RORD, BPD, RBD, BCD, BCD/H or DDD #2 Non-Residential zoning districts. In order to implement this purpose, at least twenty percent (20%) of the floor area of all residential units shall be deed restricted as affordable and at least twenty-percent (20%) of all proposed units shall be deed restricted as affordable in accordance with CT General Statutes §8-30g.

39A-2 Standards For Eligibility

In order to qualify for the Inclusionary Housing Overlay District designation, the lot must be split zoned Res. AA, A or B and GBD, RPOD, RORD, BPD, RBD, BCD, BCD/H or DDD #2 Non-Residential zoning districts.

39A-3 Designation/Uses Permitted

A site rezoned by the Planning and Zoning Commission to Inclusionary Housing Overlay District shall continue to bear its original district designation, but with the initials IHZ appended to indicate an Inclusionary Housing Overlay District designation. All zoning regulations applying to the underlying district shall continue to govern the Inclusionary Zoning District, except as amended by this Section. Designation as an Inclusionary Housing Overlay District or the removal of such designation shall be considered a change of zone. All developments shall require Special Permit and Site Plan review by the Planning and Zoning Commission.

39A-3.1 All non-residential uses must be in the non-residential zoned portion of the lot.

39A-4 Lot Area and Shape

39A-4.1 No minimum lot area or shape. Any lot using this regulation must provide frontage on an arterial street that is equal to at least fifteen (15%) of the perimeter of the lot.

39A-4.2 Any lot created by subdivision or lot merger not in existence at the time this regulation was created must have a Regularity Factor of at least 0.55.

39-A-4.3 Primary access to the development must be from the non-residential portion of the lot.

39A-5 Density

39A-5.1 Maximum - The maximum allowable density shall not exceed twenty (20) bedrooms per gross acre. An additional maximum density of six (6) bedrooms per gross acre is permitted for affordable units that are exempt from this calculation. The maximum number of units per acre shall not exceed eighteen (18) in the non-residentially zoned portion of the lot and twelve (12) in the residentially zoned portion of the lot, inclusive of affordable units.

39A-5.2 Bedrooms - For the purpose of these regulations, libraries, dens, studios, studies, lofts and other similar spaces shall be deemed to be bedrooms by the Commission. A single recreation room, a storage area and a utility room located in a cellar or basement without a bathroom will not be considered a bedroom.

39A-6 Setbacks

No principal or accessory building or structure shall extend closer than twenty (20) feet from any front lot line. Side and rear setbacks are governed by the underlying district. There will be no setbacks from a residential zone line that splits a property.

39A-7 Height

39A-7.1 In order to retain the historic streetscape in the BPD and BCD/H zones, the height is restricted to that which is permitted in the underlying non-residential zoning district.

39A-7.2 For buildings within the GBD, RPOD, RORD, RBD, BCD and DDD #2 zoning districts, of which at least one-third (1/3) of the floor area is residential, a height of three (3) stories and thirty-five (35) feet is allowed.

39A-7.3 For a building in which less than one-third (1/3) of the floor area is residential use, the height is restricted to that which is permitted in the underlying zone. The Res. AA, A and B portion of the property is limited to 2 ½ stories and a height of thirty-five (35) feet.

39A-8 Coverage

A building coverage bonus in the non-residential zone shall be allowed. The bonus may not exceed five percent (5%) of the non-residentially zoned portion of the lot in excess of that which is allowed in the underlying non-residential zone, except for the BCD and BCD/H zoning districts.

39A-8.1 The Planning and Zoning Commission may exempt an additional minimal amount of coverage associated with open porches, decks, balconies and other similar open structural projections from building coverage; provided that such open structural projection will benefit public access, safety or convenience or will further the intent to preserve and/or enhance the historic character and appearance of the area, and at the discretion of the Commission at the time of Special Permit approval on sites that include at least 20% affordable housing.

39A-8.2 The total coverage shall not exceed seventy percent (70%) of the area of the lot.

39A-8.3 In order to encourage underground parking and a reduction in coverage, a density bonus of two (2) units, a residential FAR bonus of 0.05, and an exemption for floor area within a cellar or basement will be permitted, if at least one (1) underground space is provided per unit and if the total coverage is reduced to 65%.

39A-9 Building Spacing

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than ten (10) feet.

39A-10 Floor Area

39A-10.1 Total Maximum: No one floor shall exceed an area of 2,500 square feet in the residentially zoned portion of the lot.

39A-10.2 Unit Size: The total interior floor area of a unit shall exclude garage parking spaces, common storage area, common stairs, common halls, common foyers and other similar spaces used in common. The average unit size shall not exceed 1,250 square feet.

39A-10.3 Floor Area Ratio (FAR)

- 39A-10.3.1 No lot which contains buildings or structures which consists of two-family or multi-family dwellings, shall exceed an FAR of 0.5, except in the BCD and BCD/H zone. Any incremental increase in floor area above the maximum allowable FAR in the underlying zone, shall be used for dwelling(s) units only. Floor area used for parking and loading shall be excluded from the FAR. Floor area used for affordable housing units shall be exempt from the FAR calculation not to exceed an additional 0.25 FAR.
- 39A-13.2 At least 40% of the floor area in the non-residentially zoned portion of the property shall be none-residential use.
- 39A-13.3 In order to encourage under ground parking and a reduction in coverage, a density bonus of two (2) units, a residential FAR bonus of 0.05, and an exemption for floor area within a cellar or basement will be permitted, if at least one (1) underground space is provided per unit and if the total coverage is reduced to 65%.

39A-11 Architectural Design

The architectural design, scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, roofline, and building elevations shall be made compatible with the historic structures located on the property and on any adjacent lot, if they are listed on the most recent Westport Historic Resource Inventory. The design should reflect both the characteristic scale and building traditions of those historic structures so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purposes of this district.

39A-11.1 Buildings in Residential Districts

Dwelling unit facades shall be designed to avoid a barracks or dormitory appearance.

- (a) Buildings shall have a pitched roof design and shall have staggered or off-set unit facades of not less than five (5) feet in depth over a minimum length of twenty (20) feet.
- (b) Buildings designed to achieve small scale and residential appearance shall be encouraged.
- (c) Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.
- (d) Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.
- (e) Where applicable, developments shall be designed to encourage the preservation of architectural features of historic buildings or other structures in the district. Historic buildings and structures are defined here as those registered in either the Connecticut or U.S. Registers of Historic structures or the Westport Historic Resources Inventory listed or deemed eligible for listing on the National Register of Historic Places, State Register of Historic Places, Westport Historic Resources Inventory, or are at least 50 years of age.

39A-11.2 Buildings in Non-Residential Districts

Architectural design requirements for the underlying zones apply and in addition dwelling unit facades shall be designed to avoid a barracks or dormitory appearance. Staggered or off-set unit facades and/or varied unit facade materials shall be utilized.

39A-12 Public Waterfront Access

Public Waterfront Access (see Definitions) shall be provided on all sites adjacent to the Saugatuck River.

39A-13 Signs

Signs shall be permitted in accordance with §33 of the Supplementary Regulations as determined by underlying zoning district.

39A-14 Parking

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations; however such parking and loading shall be located on the lot and to the rear of the front leading edge of any building facing the street. Parking shall be required as provided in §34-5, except that the Planning and Zoning Commission may reduce the required multifamily parking standards by 0.5 spaces per unit. Tandem parking may be considered subject to the discretion of the Planning and Zoning Commission.

39A-14.1 Underground Parking

In order to encourage underground parking and a reduction in coverage, a density bonus of two (2) units, a residential FAR bonus of 0.05, and an exemption for floor area within a cellar or basement will be permitted, if at least one (1) underground space is provided per unit and if the total coverage is reduced to 65%.

39A-15 Landscaping, Screening and Buffer Areas

Landscaping, screening and buffer areas shall be provided in accordance with §35 of the Supplementary Regulations. Sidewalks shall be provided in accordance with §35-2.2.4 of the Supplementary Regulations.

39A-15.1 Lighting

Exterior lighting shall be provided and maintained by the property owner at all access points to streets, parking areas, building entrances and elsewhere for the safety of vehicular and pedestrian traffic. All exterior lighting shall be low-level, except for required street lights. The glare from light sources shall be shielded from roads and abutting properties. Lighting must be provide in accordance with §44-5.5 of the Regulations.

39A-15.2 Refuse Areas

Refuse collection areas shall be provided, screened, supplied with covered receptacles and conveniently located to serve all dwelling units.

39A-15.3 Mail boxes

Mail boxes shall be provided, covered from the elements and conveniently located to serve all dwelling units.

39A-16 Utilities

39A-16.1 All utilities and conduits shall be underground.

39A-16.2 No Zoning Certificate of Compliance shall be issued for any dwelling or dwelling unit unless and until such dwelling or unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line.

39A-16.3 All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town Standards, subject to the approval of the Town Engineer.

Storm drainage facilities shall be provided and shall be designed to achieve a zero impact run-off based on a minimum 25-year storm flow. Street culverts and bridges shall be designed for a 100-year storm flow.

39A-17 Change of Use

No dwelling unit approved under these provisions shall thereafter be changed to any non-residential use.

39A-18 Affordability Requirement and Plan

39A-18.1 In conjunction with residential units proposed as part of this regulation, at least twenty percent (20%) of the floor area of all residential units shall be deed restricted as affordable and at least twenty-percent (20%) of all proposed units shall be deed restricted as affordable in accordance with CT General Statutes §8-30g. An affordability plan must be submitted at the time of application in accordance with same. Fractional units at 0.5 and above shall be rounded up. In any case at least one (1) unit must be affordable. These units must be affordable to households whose income does not exceed 80% of the state or area median income, whichever is lower. The state and area median income figures are from the United States Census and are periodically updated by the U.S. Department of Housing and Urban Development (HUD).

39A-18.2 Affordable housing units cannot be clustered, but shall be reasonably dispersed throughout the development and shall contain, on average, the same number of bedrooms and the same quality of construction as the other units in the development. Amenities for the market rate and below market rate units shall be comparable. No affordable unit shall be smaller than 75% of a market rate unit containing the same number of bedrooms.

39A-19 Traffic Analysis

A Traffic Analysis in accordance with §44-2.5 shall be required.